



Lincoln Almond
Governor

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Department of Labor and Training
1511 Pontiac Avenue, Cranston, RI 02920



Dr. Lee H. Arnold
Director

WORKFORCE INVESTMENT NOTICE: 99-26

JTPA WELFARE TO WORK WIA

FROM: Richard Beneduce, Chief - Workforce Investment Office

SUBJECT: Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998

DATE: June 28, 2000

Consistent with Section 188 of the Workforce Investment Act (WIA) of 1998, each administrative entity is required to establish internal grievance procedures regarding its programs or activities for all participants.

In order to enhance this requirement, the State Workforce Investment Office (SWIO) has developed a complaint procedure which will allow for uniformity throughout all Local Workforce Investment Area's (LWIA) and other WIA-funded agencies. This policy is broken down into two components: one for alleged discrimination complaints and the second for alleged grievances against WIA activities or programs.

So that we could have one statewide nondiscrimination and grievance procedure, the SWIO is requesting that the LWIA's and the other WIA-funded agencies consider adopting these policies.

In addition, the SWIO has developed an applicant filing procedure. The SWIO is aware that each LWIA and WIA-funded agency has its own procedure, however, we would encourage you to adopt these new applicant filing procedures which would allow for consistency throughout the State.

A copy of all complaints received by the LWIA or agency must be forwarded to the SWIO at the time the complainant files the complaint.

Complaints must be resolved at the local level within thirty days of the filing of the complaint through whatever process that you choose to afford the complainant (i.e. informal hearing, formal hearing, impartial hearing officer, etc.).

If thirty days has lapsed without resolution of the complaint or if the complainant disagrees with the resolution, he/she may appeal to the State WIA Liaison Officer within ten days. A resolution will be rendered within sixty days of the original date of the filing of the complaint. The SWIO requests that you offer assistance to complainants in determining whether the complaint is of a discriminatory nature. The SWIO is available to offer technical assistance in the resolution of the complaint at the local level.

Enclosed you will find both the discrimination complaint policy and the policy for complaints regarding WIA programs or activities. Also enclosed are the filing procedures for applicants.

Any questions concerning this issue should be directed to me at (401) 462-8781.

ATTACHMENT I: Discrimination complaint policy, the policy for complaints regarding WIA programs or activities, and the filing procedures for complainants under the **Workforce Partnership of Greater Rhode Island**.

ATTACHMENT II: Discrimination complaint policy, the policy for complaints regarding WIA programs or activities, and the filing procedures for complainants under the **Providence/Cranston Workforce Development Board**.

ATTACHMENT I

DISCRIMINATION COMPLAINTS

PURPOSE: To establish policies and standard procedures for accepting, handling, and processing resolutions of discrimination complaints for all staff of the Grant Recipient, Workforce Investment Board, and subrecipient/contractors, filed by any applicant for participation, employment, or funding or by any participant or employee of any WIA-funded entity, against any entity receiving financial assistance under WIA.

BACKGROUND: Section 188 of the Workforce Investment Act of 1998 prohibits any individual from being excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in any organization or program receiving WIA financial assistance on the basis of race, color, sex, religion, national origin, age, disability, political affiliation or belief, sexual orientation, status as a parent, and for beneficiaries only, citizenship or participation in WIA.

SCOPE: The policies and procedures issued hereunder apply to all applicants for funding, participation, or employment, and to all participants or employees of any WIA-funded entity.

POLICY: It is the policy of the State to assure non-discrimination and equal opportunity in the operation and administration of all programs, services, and activities funded in whole or in part with federal funds. The Equal Opportunity Officer is designated as the responsible individual for effecting compliance. Any individual who believes that he/she has been discriminated against has the right to file a complaint within **180 days** of the alleged discriminatory act(s) in accordance with the procedures described below.

1. The complainant shall file with the recipient.
2. The complainant may also file simultaneously with the Director of the Civil Rights Center.

PROGRAM/ACTIVITY COMPLAINTS

PURPOSE: Each administrative entity, contractor, grantee, and employer under the WIA shall establish and maintain a grievance procedure for grievances or complaints about its programs or activities from participants, subgrantees, subcontractors, and other interested persons.

BACKGROUND: Section 188 of the Workforce Investment Act of 1998 allows for any applicant, client, potential contractor, contractor, employer, or any other aggrieved party who wishes to file a complaint because of alleged violations of the WIA rules, regulations, grant, or other agreement under the ACT.

SCOPE: The policies and procedures issued hereunder apply to all applicants for funding, participation, or employment and to all participants or employees of any WIA-funded entity.

POLICY: A written complaint detailing the specific grievances must be submitted to the WIA Director, the subrecipient Director, or their designee (whichever applies, as determined by the funding source). This may be done by completing a grievance form available at any *netWORKri* office or any subrecipient office or by submitting a written statement.

NOTE: All program/activity complaints must be filed within one year of the alleged violation.

1. Within thirty days after the filing of the grievance, the WIA Director or subrecipient Director, or their designee shall render a decision.
2. If a decision is not rendered within thirty days of the filing or if the complainant is not satisfied with the decision, an appeal may be submitted to the State WIA Liaison Officer within ten days. A decision shall be issued within sixty days from the original date of the complaint.
3. If not satisfied at the State level, a complainant may appeal with the Secretary of Labor who shall render a decision within **120 days** after the filing of the complaint.

WIA APPLICANT:

You are applying to participate in the Workforce Partnership of Greater Rhode Island Workforce Investment Act (WIA), a federally funded program.

You are guaranteed the right to file a complaint regarding any aspect of the WIA program. Further, no one may penalize you in any way for exercising your right to file such a complaint.

You must follow the procedures described below if you feel you are being denied any of your rights.

PROCEDURES FOR FILING GRIEVANCES/COMPLAINTS ABOUT WIA PROGRAMS

1. All grievances/complaints must be filed within one year of the alleged violation.
2. A written complaint detailing the specific grievance must first be prepared and submitted to the following:

Executive Director
Workforce Partnership of Greater Rhode Island
877 Broadway
E. Providence, RI 02914

The written complaint must include the following information:

- a) Your name, address, business, and home telephone number;
 - b) The description of your complaint;
 - c) Regulations or policies violated, if known;
 - d) Date of alleged unfair act; and
 - e) Name and address of others involved in the situation.
3. The Executive Director will issue a decision within thirty days of the filing of the complaint.

4. If you are not satisfied with the decision you received from the Executive Director and you wish to file an appeal, you must do so within ten days. You are to send the written appeal to the following address:

State WIA Liaison Officer
Rhode Island Department of Labor and Training
1511 Pontiac Avenue, Building #73
Cranston, RI 02920

5. The State WIA Liaison Officer will issue a decision within sixty days from the date you **originally** filed your complaint.
6. If you are still not satisfied, you may then file a final appeal with the Secretary of Labor at the following address:

Secretary of Labor
US Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

The Secretary of Labor will render a decision within **120 days** after the filing of the complaint.

PROCEDURES FOR FILING DISCRIMINATION COMPLAINTS

You are also guaranteed the right to file a complaint if you feel you have been discriminated against on the basis of race, color, sex, religion, national origin, age, disability, political affiliation, or belief, sexual orientation, or status as a parent.

You must follow the same procedures as above if you feel you have been discriminated against, with the following exceptions:

1. All discrimination complaints must be filed within **180 days** of the alleged violation.
2. In addition to filing with the Executive Director and the State WIA Liaison Officer, you may simultaneously file your complaint with the Directory of Civil Rights at the following address:

Director
Civil Rights Center
200 Constitution Avenue NW

Room N-4123
Washington, DC 20210

ATTACHMENT II

DISCRIMINATION COMPLAINTS

PURPOSE: To establish policies and standard procedures for accepting, handling, and processing resolutions of discrimination complaints for all staff of the Grant Recipient, Workforce Investment Board, and subrecipient/contractors, filed by any applicant for participation, employment, or funding or by any participant or employee of any WIA-funded entity, against any entity receiving financial assistance under WIA.

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2. A written complaint detailing the specific grievance must first be prepared and submitted to the following:

Executive Director
Providence/Cranston Workforce Development Board
180 Westminster Street
Providence, RI 02903

The written complaint must include the following information:

- a) Our name, address, business, and home telephone number;
 - b) The description of your complaint;
 - c) Regulations or policies violated, if known;
 - d) Date of alleged unfair act; and
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